

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1 Jun 09, 2020
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SEAN F. MCVOY, CLERK

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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 JUSTIN CURTIS WERLE,
10 Movant,
11 -vs-
12 UNITED STATES OF AMERICA,
13 Respondent.
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No. 2:14-CR-0041-WFN
15 ORDER RE: PENDING MOTION
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19 Before the Court is Movant's Motion to Vacate, Set Aside or Correct Sentence and
20 Motion for Appointment of Counsel. (ECF No. 122). The Motion is submitted by Mr.
21 Werle, who is appearing *pro se* in these proceedings.

22 In his Motion Mr. Werle seeks appointment of counsel to pursue a § 2255 Motion.
23 The Court previously addressed this exact issue. ECF No. 121. The Court will not revisit
24 its previous decision. The Court has reviewed the file and Movant's Motion and is fully
25 informed. Accordingly,

26 **IT IS ORDERED** that Movant's Motion to Vacate, Set Aside or Correct Sentence
27 and Motion for Appointment of Counsel, filed May 20, 2020, **ECF No. 122**, is construed as
28 only a Motion for Appointment of Counsel, and is **DENIED** for the reasons stated in **ECF
No. 121**.

29 The District Court Executive is directed to:

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- 31 • File this Order,
- 32 • Provide copies to counsel **and pro se** Movant
- 33 • Provide a copy of the Order at ECF No. 121 to Movant;
- 34 • Inform the Ninth Circuit Court of Appeals that if the Movant files a Notice of
35 Appeal that a certificate of appealability is **DENIED**; **AND**

